

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

SHAUN KENDRICK,	:	Case No. 3:09-cv-166
	:	
Petitioner,	:	Judge Timothy S. Black
	:	Magistrate Judge Michael R. Merz
vs.	:	
	:	
WARDEN, Lebanon Correctional Institution,	:	
	:	
Respondent.	:	

**ORDER AND ENTRY: (1) ADOPTING THE REPORT AND
RECOMMENDATIONS OF THE MAGISTRATE JUDGE (Doc. 32);
(2) DENYING PETITIONER'S MOTION FOR RELIEF FROM JUDGMENT (Doc.
25); AND (3) DENYING ANY REQUESTED LEAVE TO APPEAL IN FORMA
PAUPERIS OR CERTIFICATE OF APPEALABILITY**

This case is before the Court on Petitioner's Motion for Relief from Judgment. (Doc 25). On November 16, 2011, Magistrate Judge Michael R. Merz issued a Report and Recommendations recommending that Petitioner's Motion for Relief from Judgment should be denied and that Petitioner also be denied any requested leave to appeal *in forma pauperis* or a certificate of appealability. The parties did not file objections to the Report and Recommendations and the time for doing so has expired.

As required by 29 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court reviewed the comprehensive findings of the Magistrate Judge. Based upon the reasoning and citations of authority set forth therein, and noting no objections thereto, the Court: (1) **ADOPTS** the Report and Recommendations of the Magistrate Judge (Doc. 32) in its entirety; (2) **DENIES** Petitioner's Motion for Relief (Doc. 25); and (3) **DENIES** any requested leave to appeal *in forma pauperis* or certificate of appealability.

IT IS SO ORDERED.

Date: 1/5/12

Timothy S. Black
Timothy S. Black
United States District Judge